

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
2 Alex Spiro (admitted *pro hac vice*)
3 alexspiro@quinnemanuel.com
4 51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000

5 QUINN EMANUEL URQUHART & SULLIVAN, LLP
6 Robert M. Schwartz (Bar No. 117166)
7 robertschwartz@quinnemanuel.com
8 Michael T. Lifrak (Bar No. 210846)
9 michaelifrak@quinnemanuel.com
10 Jeanine M. Zalduendo (Bar No. 243374)
11 jeaninezalduendo@quinnemanuel.com
12 865 South Figueroa Street, 10th Floor
13 Los Angeles, California 90017-2543
14 Telephone: (213) 443-3000

15 *Attorneys for Defendant Elon Musk*

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

15 VERNON UNSWORTH,

16 Plaintiff,

17 vs.

18 ELON MUSK,

19 Defendant.

Case No. 2:18-cv-08048

Judge: Hon. Stephen V. Wilson

**SUPPLEMENTAL DECLARATION
OF MICHAEL T. LIFRAK IN
SUPPORT OF DEFENDANT'S
MOTIONS IN LIMINE**

Complaint Filed: September 17, 2018
Trial Date: December 2, 2019

1 **I, Michael T. Lifrak, declare as follows:**

2 1. I am a member of the bar of the State of California and a partner at
3 Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for Defendant Elon Musk. I
4 make this declaration of personal, firsthand knowledge, and if called and sworn as a
5 witness, I could and would testify competently thereto.

6 2. I submit this supplemental declaration in support of Mr. Musk's
7 Motions in Limine.

8 3. Attached hereto as **Exhibit 1** is a true and correct copy of January 27,
9 2018 tweets sent from Elon Musk's twitter account.

10 4. Attached hereto as **Exhibit 2** is a true and correct copy of November 27,
11 2017 tweets sent from Elon Musk's twitter account.

12 5. Attached hereto as **Exhibit 3** is a true and correct copy of a July 13,
13 2012 tweet sent from Elon Musk's twitter account.

14 6. Attached hereto as **Exhibit 4** is a true and correct copy of February 16,
15 2017 tweets sent from Elon Musk's twitter account.

16 7. Attached hereto as **Exhibit 5** is a true and correct copy of June 10, 2018
17 tweets sent from Elon Musk's twitter account.

18 8. Attached hereto as **Exhibit 6** is a true and correct copy of June 15, 2018
19 tweets sent from Elon Musk's twitter account.

20 9. Attached hereto as **Exhibit 7** is a true and correct copy of the August 29
21 – September 4, 2018 email correspondence between Elon Musk and Ryan Mac,
22 previously identified as Trial Exhibit 42.

23 10. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts
24 from the August 22, 2019 deposition of Elon Musk in this case.











25 11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from
26 the September 10, 2019 deposition of Jared Birchall in this case.

27 //

28 //

EXHIBIT 1

Exhibit 1, Page 3 ^{1/2}



69

169

2.1K

3 more replies

Craig Bennett

@cbennet12

· Jan 27, 2018

▼

Replying to [@Model3Owners](#) and [@elonmusk](#)

Good. It's about time we let Darwin do his job again. :-)

19

MPolytechnical

@MMPolytechnical

· Jan 27, 2018

▼

Replying to [@elonmusk](#) and [@fiteswithheart1](#)

Are you suggesting all USA arm-up for the war against threats to SovereignUSConstitutionalDemocracy lead by anachronisms globalists-bilderburgs-illuminatti beasts created plot 4thReich~"skynet" abuse of treasured AI-service of humanity&civilization-protection IndividualLife!?

2

1

Search Twitter

https://twitter.com/elonmusk/status/957441956874919936

Exhibit 1, Page 4 2/2

EXHIBIT 2



- Sandeep Guttikonda** @ThisIsSandeepG · Nov 27, 2017
If This Is True Once Again @elonmusk

Former SpaceX intern claims that Elon Musk is the founder of Bitcoin ... Bitcoins have been in the news lately for their soaring valuation. One Bitcoin is worth \$9,000 (Rs 582,700 approximately) as we write. The ...
bgr.in

18 39 295
- Elon Musk** @elonmusk · Nov 27, 2017
Not true. A friend sent me part of a BTC a few years, but I don't know where it is.

254 471 3.9K
- Pieter De Wit** @pieterdewit_nz · Nov 27, 2017
But Elon - you do know C++ right ? :)

2 8 73
- Elon Musk** @elonmusk · Nov 27, 2017
int main(){}

38 96 1K
- Keith** @KeithManaloto_ · Nov 27, 2017
Is Elon a liar?

←

Tweet

No

6%

Maybe a Martian

60%

5,101 votes · Final results

5 11 89

Elon Musk @elonmusk

Replying to @KeithManaloto_ @pieterdewit_nz and @ThisIsSandeepG

As I've said before, I am definitely a Martian

11:11 PM · Nov 27, 2017 · Twitter for iPhone

160 Retweets 1.5K Likes

9

Judgement Day has arrived @bret... · Nov 28, 2017

Replying to @elonmusk @KeithManaloto_ and 2 others

Do you come in peace?!

9

Search Twitter

Relevant people

Elon Musk @elonmusk Follow

Keith @KeithManaloto_ Follow
UPLB • Learn Kulitan App developer • Tech geek • Computer Scientist • @shairayow's

Pieter De Wit @pieterdewit_nz Follow

Trends for you

Trending in United States
70% of Americans
22.2K Tweets

#MustangMachE
Be among the first to reserve the all-new all-electric Mustang Mach-E.
Promoted by Ford Motor Company

Trending in United States
John Legere
1,102 Tweets

Trending in United States
#Fresno
4,421 Tweets

Trending in United States
#PrinceAndrew
5,154 Tweets




















































Royal family
Prince Andrew now caught up in a race row

Show more

Terms Privacy policy Cookies Ads info



Search Twitter

- **KikiLove1111** @KikiLove1111 · Nov 27, 2017
Replying to @elonmusk @KeithManaloto_ and 2 others
Noice. Me tooooooooooooooo
   
- **street_ninja** @street_ninja636 · Nov 27, 2017
Replying to @elonmusk @KeithManaloto_ and 2 others
That's what I tell everybody :)
   
- This Tweet is unavailable.
- This Tweet is unavailable.
- **Lorena Kraft** @SignorinaLora · Nov 27, 2017
Replying to @elonmusk @KeithManaloto_ and 2 others
In the sense of being undiluted man ... Elon ?
   
- This Tweet is unavailable.
- **Roland Cornelissen** @metamatterNL · Nov 27, 2017
Replying to @elonmusk @KeithManaloto_ and 2 others
So @VitalikButerin is your Brother?
   
- **KikiLove1111** @KikiLove1111 · Nov 27, 2017
Replying to @elonmusk @KeithManaloto_ and 2 others
Had a dream that I was from the Triangle
Constellation ~ & on my way back to Vega, I believe
[#GoodStuff](#)
   
- **Super Shannon** @SuperShannon_x · Nov 27, 2017
Replying to @elonmusk @KeithManaloto_ and 2 others
I am here to serve you... Canada has your back
   
- **Phoenix Rosa** **Space Pirate** @ThePhoe... · Nov 27, 2017
Replying to @elonmusk @KeithManaloto_ and 2 others
giggle
   
- **Catherine** @hifalutinways · Nov 27, 2017
Replying to @elonmusk @KeithManaloto_ and 2 others
From the vast depths of time
   
- **DHEERAJ** @MeTheDheeraj03 · Nov 28, 2017
Replying to @elonmusk @KeithManaloto_ and 2 others
[@elonmusk](#) what is like to be an Martian?
   
- **Derick Hildebrandt, no relation to Martin Shkreli ...** · Nov 28, 2017
Replying to @elonmusk @KeithManaloto_ and 2 others
I've said it for years, is there's any life form on this planet from Mars it's
Elon.
   
- **mehmet Kaplan** @46kaplanMete · Nov 28, 2017

Replying to @elonmusk @KeithManaloto_ and 2 others

Hangimiz marslı degilizki

Λ-ΙΣΠ @AlienThatTweets · Nov 28, 2017

Replying to @elonmusk @KeithManaloto_ and 2 others

Pranay Pathole @PPathole · Nov 28, 2017

Replying to @elonmusk @KeithManaloto_ and 2 others

Were you a lead in Martian with just Matt Damon's face photoshopped?

swanand marathe @swanand89 · Nov 28, 2017

Replying to @elonmusk @KeithManaloto_ and 2 others

Now it's confirmed that Elon is stuck here on earth and created spaceX so that he can go home on mars

Search Twitter

EXHIBIT 3



C

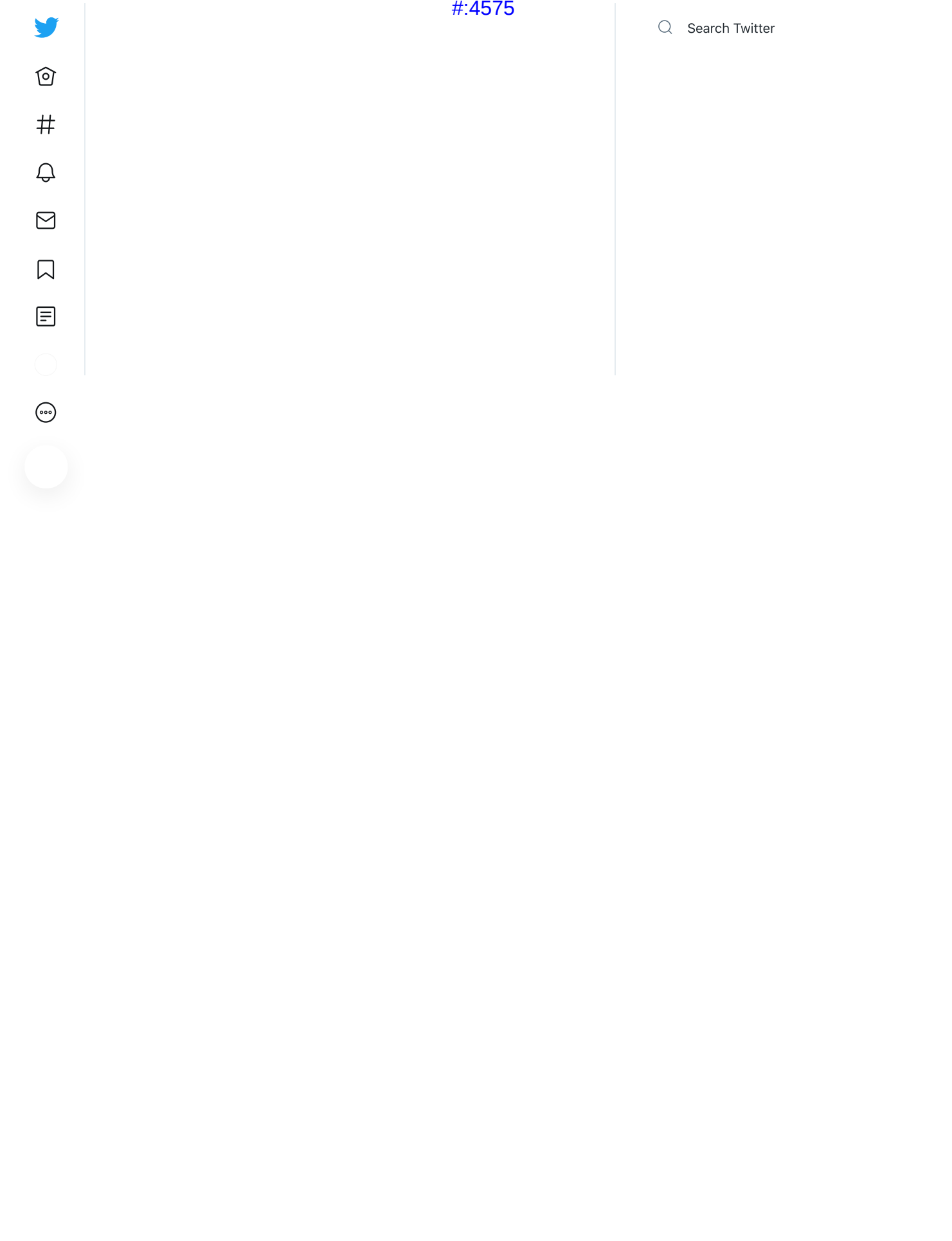



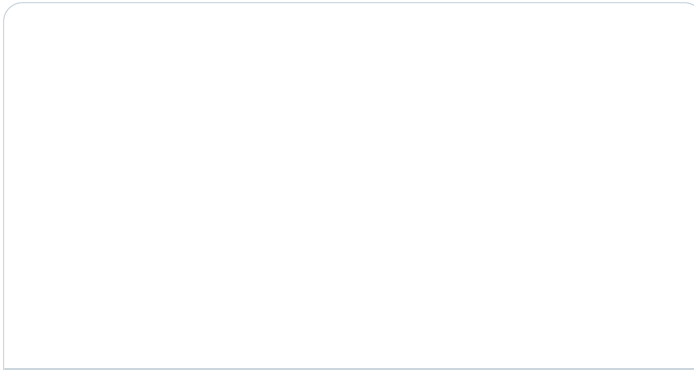
EXHIBIT 4



← Tweet



Elon Musk  @elonmusk · Feb 16, 2017
Daylight rocket launch & landing at the Cape this weekend. Will be the 1st SpaceX flight from the Apollo launch pad.



SpaceX Will Fly a Rocket Back to Earth in Broad Daylight This Weekend
SpaceX confirmed the ground landing—which will occur at Cape Canaveral Landing Zone 1—in an email to the Observer.
observer.com

305 3K 10.3K



John Brinkman @sc00bs · Feb 16, 2017
Is there any reason that most of the landings appear to have been at night so far?

5 43 69



Elon Musk  @elonmusk

Replying to @sc00bs

It's much easier to do the CGI that way

10:42 PM · Feb 16, 2017 · [Twitter for iPhone](#)

572 Retweets 2.6K Likes



Mark Ashley @themarkashley · Feb 16, 2017
Replying to @elonmusk and @sc00bs
Part of SpaceX's green effort to use less energy, with darker display pixels.

42



Steve of Mars @MemesOfMars · Feb 17, 2017
Replying to @elonmusk and @sc00bs
lol so you do know about FlatEarther youtube rants



Search Twitter

Relevant people

- **Elon Musk**  @elonmusk [Follow](#)
- **John Brinkman** @sc00bs [Follow](#)

Trends for you

- Trending in United States
Deface the Nation
5,949 Tweets
- #MustangMachE**
Be among the first to reserve the all-new all-electric Mustang Mach-E.
 Promoted by Ford Motor Company
- Trending in United States
70% of Americans
23.5K Tweets
- Trending in United States
John Legere
1,187 Tweets
- Trending in United States
#Fresno
4,489 Tweets

[Show more](#)

[Terms](#) [Privacy policy](#) [Cookies](#) [Ads info](#)

More  © 2019 Twitter, Inc.

#4578



33



Jason Lewis @cbotnyse · Feb 17, 2017
Replying to @elonmusk and @sc00bs
dad joke!



35



John Brinkman @sc00bs · Feb 16, 2017
Replying to @elonmusk
I can see the headlines now "Elon Musk finally admits to using CGI for landings!!", believed by million, LOL



4

4

135

This Tweet is unavailable.



Duncan Dean @dunxen · Feb 17, 2017
Fake news! Potato!



14



Welamaza @welamaza_n · Feb 16, 2017
Replying to @elonmusk and @sc00bs
and the fire at the end is for the dramatic effect.



18



Benjamin Stanfeld @bstanfeld · Feb 17, 2017
Replying to @elonmusk and @sc00bs
Well, he IS Irony Man. ;-)



3

34



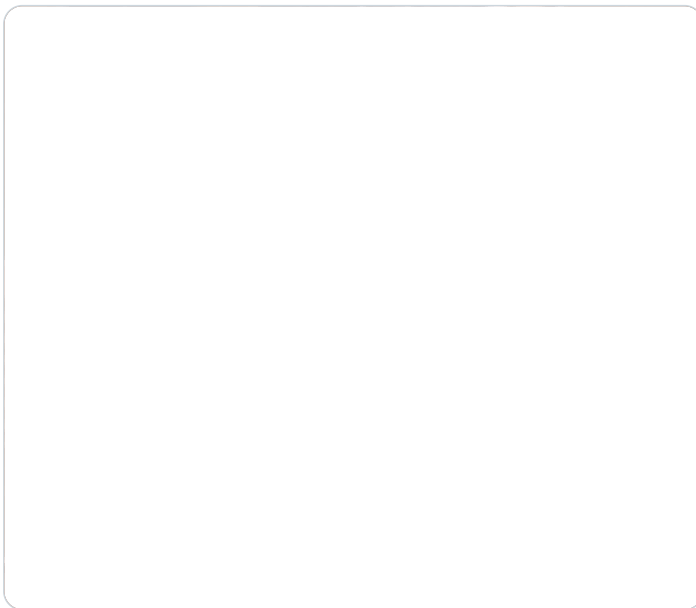
Antoine Jouet @anJouet · Feb 16, 2017
Replying to @elonmusk and @sc00bs
well, the irony is strong in this one!



7



ColumbiaCollegeWomen @ccw_outreach · Feb 16, 2017
Replying to @elonmusk and @sc00bs



7



Search Twitter



Search Twitter



Search Twitter

EXHIBIT 5

←

Tweet

This Tweet is unavailable.

Elon Musk

@elonmusk

Jun 10, 2018

Love this design. Simpler the better.

169

448

14.3K

This Tweet is unavailable.

Elon Musk

@elonmusk

Replying to @poriya_ravi and @WorldAndScience

The actual amount of time I spend on Twitter is tiny. My tweets are literally what I'm thinking at the moment, not carefully crafted corporate bs, which is really just banal propaganda.

12:46 PM · Jun 10, 2018 · Twitter for iPhone

166 Retweets

1.5K Likes

Sue Hughes

@suekatski

Jun 10, 2018

Replying to @elonmusk @poriya_ravi and @WorldAndScience

I just like twitter.. esp @WorldAndScience because of all the really cool stuff I can learn about something new every day

George Hiler

@georgehiler

Jun 10, 2018

Replying to @elonmusk @poriya_ravi and @WorldAndScience

So do you just have your phone out at all times or are you on the computer?

vistacruz7

@vistacruz7

Jun 10, 2018

Replying to @elonmusk @poriya_ravi and @WorldAndScience

Re AP, why not use eye tracking & have the software lean toward user experience for those w/eyes on the road as AP is intended & lean toward naggy/more alerts for those who are not using AP as intended as detected by inattentive eye positions (safer & irresp use disincentivized)

Dave Marrero

@FullStretchDave

Jun 10, 2018

Replying to @elonmusk @poriya_ravi and @WorldAndScience

This is refreshing.

Jessica Sarah

@Jessica_Sarah_G

Jun 10, 2018

Replying to @elonmusk @poriya_ravi and @WorldAndScience

Love reading your thoughts. Any breakthroughs/announcements on neuralink. It would be awesome to have a wide bandwidth into your thoughts hopefully w/o burning a fuse

Meg'n

@megnsander

Jun 10, 2018

Replying to @elonmusk @poriya_ravi and @WorldAndScience

Same!!!! Twitter is just for clearing out some of the garbage floating in my head. That's probably why I don't have many followers... heh..

Search Twitter

Relevant people

Elon Musk

@elonmusk

Follow

Ravi

@poriya_ravi

Follow

World and Science

@WorldAndScience

Follow

Trends for you

Trending in United States

70% of Americans

23.7K Tweets

#MustangMachE

Be among the first to reserve the all-new all-electric Mustang Mach-E.

Promoted by Ford Motor Company

Trending in United States

John Legere

1,196 Tweets

Trending in United States

#PrinceAndrew

5,304 Tweets

Royal family

Prince Andrew now caught up in a race row

Trending in United States

Brendon Todd

Show more

Terms Privacy policy Cookies Ads info

More © 2019 Twitter, Inc.

https://twitter.com/elonmusk/status/1005899053551370240

Exhibit 5, Page 15 1/3






#:4583


Joe Huang @joe528 · Jun 10, 2018
Replying to @elonmusk @poriya_ravi and @WorldAndScience
Why didn't you spell wrong sometimes?






YourFuture HAPPINESS @swaggytigerbaby · Jun 10, 2018
Replying to @elonmusk @poriya_ravi and @WorldAndScience
And thanks God, that u r honest






Constant Bliss (*the soldier, not the cheese!) @C... · Jun 10, 2018

Replying to @elonmusk @poriya_ravi and @WorldAndScience

I mean ok, but 22 million people are salivating at your every word. Possible to be carefully crafted without being corporate bs. I just say what I think, but thankfully, no one cares.

1   

Constant Bliss (*the soldier, not the cheese!) @C... · Jun 10, 2018 ✓
Im also very drunk. 7 views....

2 more replies


Shanfeng Cheng @sfcheng77 · Jun 10, 2018
Replying to @elonmusk @poriya_ravi and @WorldAndScience
it can't be tiny

Alek Wierzejski @Toolekw · Jun 11, 2018
Replying to @elonmusk @Cernovich and 2 others
you're something like last hope






Mister Big @aint_no_word · Jun 11, 2018
Replying to @elonmusk @Cernovich and 2 others
Thank God for real people like @elonmusk he still can do things for himself. #TeslaRevolution






Dr. Funkinstein @ValerianRootS · Jun 11, 2018
Replying to @elonmusk @Cernovich and 2 others
Did your publicist tell you to say that? Like we care about your thought process about your tweets. Dont be a twit. Your too smart for that.

 Search Twitter



Search Twitter

EXHIBIT 6

←

Tweet

Elon Musk

@elonmusk

Heading back into the factory, so that's enough for now. Don't take my Tweet too seriously. For one thing, it's called a "Tweet".

5:23 PM · Jun 15, 2018 · Twitter for iPhone

1.6K Retweets

25.9K Likes

Kevin O'Connor

@KevinOConnorNBA

Jun 15, 2018

Replied to @elonmusk

Hey Elon, that's great. Where do you think Kawhi Leonard gets traded?

10

67

1.1K

Elon Musk

@elonmusk

Jun 15, 2018

Lake Show

112

832

5.3K

2 more replies

Good Bean Jokes

@goodbeanjokes

Jun 15, 2018

Replied to @elonmusk

Hey Elon, do you like me bean jokes?

Yes

67%

No

33%

3,649 votes · Final results

8

1

64

Ygrene

@Ygrene

Jun 15, 2018

Nice

2

53

4 more replies

HonorTheCall

@HonorTheCall

Jun 15, 2018

Replied to @elonmusk

Put a talk to tweet feature in Tesla.

13

Cody Johnston

@drmistercody

Jun 15, 2018

Replied to @elonmusk

Search Twitter

Relevant people

Elon Musk

@elonmusk

Follow

Trends for you

Trending in United States

70% of Americans

23.7K Tweets

#MustangMachE

Be among the first to reserve the all-new all-electric Mustang Mach-E.

Promoted by Ford Motor Company

Trending in United States

John Legere

1,196 Tweets

Trending in United States

#PrinceAndrew

5,316 Tweets

Royal family

Prince Andrew now caught up in a race row

Trending in United States

Brendon Todd

Show more

Terms Privacy policy Cookies Ads info

More © 2019 Twitter, Inc.

Your semi-autonomous driving aid is called "autopilot."
5 5 134

Dave Mac @CGDaveMac · Jun 15, 2018
Semi-autonomous aircraft flying aid is called "autopilot."
1 17
4 more replies

Taylor Harris @AntVenom · Jun 15, 2018
Replying to @elonmusk
Aka "Guys I'm just trolling lol". Was fun talking!
4 2 139

LizardMods @Lizard_Mods · Jun 15, 2018
At this point I'm pretty sure you guys were on the phone with each other and orchestrated this whole thing.
1 1 14
2 more replies

marketdoctor @marketdoctor · Jun 15, 2018
Replying to @elonmusk
Thanks for all you do--and I've tried not to take anything on the Internet too seriously since about 1981.
7

Search Twitter

https://twitter.com/elonmusk/status/1007780580396683267

Exhibit 6, Page 19 2/2

EXHIBIT 7

From: [REDACTED]
To: Ryan Mac
Subject: Re: BuzzFeed News: Unsworth legal letter
Date: Tuesday, September 04, 2018 5:31:45 PM

Get lost, you creep

On Sep 4, 2018, at 5:30 PM, Ryan Mac <ryan.mac@buzzfeed.com> wrote:

Hey Elon,

I'm sure you've seen the story at this point. Still happy to talk with you on whatever terms you want as long as we set them beforehand. Let me know if you want to do a phone call.

Best,
R

On Tue, Sep 4, 2018 at 1:18 PM, Elon Musk [REDACTED] wrote:
Off the record

I suggest you ask Unsworth to describe his whole ~30 year history of visiting Thailand. What was he doing in Pattaya Beach for the better part of a decade when there are no caves of note in the area?

On Sep 4, 2018, at 12:22 PM, Ryan Mac <ryan.mac@buzzfeed.com> wrote:

Hi Elon,

While I'd rather chat on the record, I'm happy to go off record with you moving forward so you can answer specific questions regarding the allegations you've made.

Thanks,
Ryan

On Tue, Sep 4, 2018 at 10:53 AM, Elon Musk [REDACTED] wrote:
Off the record

We haven't had a conversation at all. I sent you an off the record email, which very clearly and unambiguously said "off the



MUSK_000967

record". If you want to publish off the record comments and destroy your journalistic credibility, that's up to you.

As for answering more questions, I would be happy to do so, but not with someone who just told me that they will not honor accepted rules of journalism.

On Sep 4, 2018, at 8:49 AM, Ryan Mac
<ryan.mac@buzzfeed.com> wrote:

Hi Elon,

I didn't agree for the conversation to be off the record, but appreciate the response. To follow up, I've tried to report out some of these accusations on my own but have not found anything to corroborate the claims. Are you able to share anything that you've found about Vernon Unsworth? Do you have any evidence or documentation showing he took a 12-year-old child bride, that he is a child rapist, or that he was kicked off the rescue site, as you stated in your other email? Also are you able to share your correspondence with Rick Stanton showing your discussion of the submarine specs?

With regards to your statement about the legal threat not coming up until you raised the issue on Twitter, the legal letter was dated on Aug. 6 and sent to your Los Angeles home and to one of your SpaceX emails. Did you not see the letter prior to your tweets?

Thank you,
Ryan

On Thu, Aug 30, 2018 at 6:43 PM, Elon Musk
[REDACTED] wrote:

Off the record

I suggest that you call people you know in Thailand, find out what's actually going on and stop defending child rapists, you fucking asshole. He's an old, single white guy from England who's been traveling to or living in Thailand for 30 to 40 years, mostly Pattaya Beach, until moving to Chiang Rai for a child bride who was about 12 years old at the time. There's only one reason people go to Pattaya Beach. It isn't where you'd go

for caves, but it is where you'd go for something else. Chiang Rai is renowned for child sex-trafficking.

He may claim to know how to cave dive, but he wasn't on the cave dive rescue team and most of the actual dive team refused to hang out with him. I wonder why ...

<https://www.google.com/search?q=chiang+rai+child+trafficking&ie=UTF-8&oe=UTF-8&hl=en-us&client=safari>

As for this alleged threat of a lawsuit, which magically appeared when I raised the issue (nothing was sent or raised beforehand), I fucking hope he sues me.

On Aug 30, 2018, at 6:07 PM, Ryan Mac <ryan.mac@buzzfeed.com> wrote:

Hey Elon, just wanted to make sure I did my due diligence to research basic facts and follow up here.

Thanks,



Ryan Mac | **BuzzFeed News** | Senior
Technology Reporter Cell: (949) 315-9364
| Office: (415) 477-1620 |
@rmac18 | [121 2nd Street, 3rd Floor,](#)
[San Francisco, CA 94105](#) |
<https://www.buzzfeed.com/ryanmac>

On Wed, Aug 29, 2018 at 9:06 AM,
Ryan Mac
<ryan.mac@buzzfeed.com> wrote:

Hey Elon, thanks for getting back. Actually he prefers to be called a "spelunker" and we've confirmed that he actually does do cave diving. But do you have any comment on the letter your received?



Ryan Mac | **BuzzFeed News** | Senior
Technology Reporter Cell: (949) 315-
9364 | Office: (415) 477-1620 |
[@rmac18](#) | [121 2nd Street, 3rd Floor,](#)
[San Francisco, CA 94105](#) |
<https://www.buzzfeed.com/ryanmac>

On Wed, Aug 29, 2018 at 8:38 AM,
Elon Musk [REDACTED]
wrote:

Have you actually done any
research at all? For example, you
incorrectly state that he is a diver,
which shows that you know
essentially nothing and have not
even bothered to research basic
facts.

On Aug 29, 2018, at 7:40 AM,
Ryan Mac
<ryan.mac@buzzfeed.com>
wrote:

Hi Elon,

Ryan from BuzzFeed
News here. We're
reporting a story out
about you receiving a
letter from a lawyer
representing British
diver Vernon
Unsworth. The letter,
dated August 6, was
sent to your Los
Angeles home and
discusses potential
legal proceedings
against you for libel.

Given the Twitter
conversation
yesterday, I was
hoping you could talk

about the letter and whether you had seen it yet. I'm happy to chat on the phone if you want to call me at [REDACTED]

Best,



Ryan Mac | BuzzFeed News | Senior

Technology Reporter

Cell: (949) 315-9364 |

Office: (415) 477-1620 |

[@rmac18](#) | [121 2nd](#)

[Street, 3rd Floor, San](#)

[Francisco, CA 94105](#) |

<https://www.buzzfeed.com/ryanmac>

at

EXHIBIT 8

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON UNSWORTH,

Plaintiff,

vs.

Case No. 2:18-cv-8048

ELON MUSK,

Defendant.

_____/

VIDEOTAPED DEPOSITION OF
ELON REEVE MUSK
BEVERLY HILLS, CALIFORNIA
AUGUST 22, 2019

Reported By:
PATRICIA Y. SCHULER, CSR No. 11949

Job No.: 45176

ELON REEVE MUSK

August 22, 2019

1 So although he was not on the dive team
2 and did not put his life at risk, he did play a
3 role that was important in finding the kids. Yes.

4 Let's see. Then I think at some point I
5 got some-- sort of what seemed like a legal
6 shakedown letter from you, I think it was,
7 demanding money, you know, demanding money or there
8 would be a trial or a case or something like that.
9 I was like, okay, instruct me because this guy's
10 motives don't -- are not good.

11 Q. Whose motives? Mr. Unsworth's or mine?

12 A. Yours and Mr. Unsworth's.

13 Q. Gotcha.

14 A. Here's some trial lawyer trying to make
15 money for bad reasons, and you know, if -- why try
16 to shake me down for money if the situation is
17 legitimate? And then Jared and my -- currently
18 office manager, mentioned that there was some
19 investigator who he said he had information about
20 Mr. Unsworth. I said, okay, well, if I am
21 getting -- if somebody is it trying to shake me
22 down here, we should try to get to the bottom of
23 this and see what is going on.

24 So I said, "Okay, Jared, let's take that
25 guy up on his offer and see what he finds out."

1 And you know, are these -- you know, is he up to no
2 good there, or is he there for legitimate reasons.

3 Q. I'm sorry.

4 A. Is Unsworth up to no good there, or is he
5 there for legitimate reasons.

6 Q. There for --

7 A. There in Thailand or in Chiang Rai.

8 Q. Okay.

9 A. Which is an odd place to be.

10 So Jared had this investigator move
11 forward. Jared, I think, thought this guy was
12 legitimate, and Jared told me that, you know, the
13 investigator was saying that Unsworth had been up
14 to all sorts of bad things in Thailand, and lived
15 in places that were equivalent to like a red-light
16 district or something like that.

17 And told me -- these things subsequently
18 turned out not to be correct, but these were what
19 were told to me by Jared, who was told to us by
20 this investigator.

21 And Jared said that this investigator is
22 saying this guy had like a 12-year-old bride or
23 something like that, and that he lived in Pattaya
24 Beach in a hotel noted for underage sex tourism.
25 These were just things that were related to me --

1 or that were relayed to me by Jared.

2 And I was like, wow, this is sounding
3 pretty bad, you know, maybe, you know, this sort of
4 offhand insult that I had done in kind -- in
5 response to his offhand insult -- maybe there's
6 actually some merit to this. We should, you know,
7 try to find out more and see if this is a serious
8 matter or not.

9 And then for some reason some guy at
10 BuzzFeed reached out to me about this. I am not
11 sure why he reached out to me. But he emailed me.
12 And I was like, well, what if this is a real
13 situation? What if what we have here is another
14 Jeffrey Epstein. We should, you know -- I have
15 this -- I am told this information. I don't know
16 if it is true. But what if we have another
17 Jeffrey Epstein on our hands? And what if he uses
18 whatever celebrity he gains from this cave rescue
19 to shield his bad deeds? This would be terrible.

20 And so this was like, wow, somebody
21 should really look into this and just find out what
22 is the real situation here. When I said
23 "pedo guy," I didn't mean that he was literally a
24 pedophile; it was just an insult. But after
25 getting this information from this investigator

ELON REEVE MUSK

August 22, 2019

1 through Jared, I was like, well, maybe he is
2 actually a pedophile. Is this possible?

3 And so when this BuzzFeed guy says "Off
4 the record," meaning this is not for any
5 publication or any further -- this is told in
6 confidence, you should go and look into it. You
7 know, and so the BuzzFeed guy broke journalistic
8 ethics and published an email that was never meant
9 to be published. I just wanted them to just make
10 sure this guy is not actually up to very bad
11 things.

12 So please go -- this is what journalists
13 are supposed to go do is look into these things,
14 try to find out if it is real, and if is we put a
15 stop to it.

16 Q. So you actually had the thought at the
17 time back in August of 2018, this guy might be like
18 another Jeffrey Epstein?

19 Is that what you told me?

20 A. Is that the BuzzFeed correspondence date?
21 I'm not sure of -- this is a year ago, so please if
22 you could -- if I could trouble you to refresh me
23 as to what you mean by that date.

24 Q. Well, let me see.

25 MR. WOOD: This will be 36. I had one

1 marked earlier as 35, but I'll come back to that.

2 (Exhibit 36 was marked for
3 identification.)

4 BY MR. WOOD:

5 Q. I'm going to hand you, Mr. Musk, what has
6 been marked for purposes of identification to your
7 deposition as Exhibit 36. And you may feel free to
8 take the time to review that document.

9 A. Sure.

10 Q. But for purposes of my question, I'm just
11 trying to answer your question about the timeline.

12 A. Thank you. If you could allow me to take
13 a moment to review it.

14 Q. If this helps. Yes.
15 Have you had a chance to review Exhibit
16 No. 36?

17 A. I did.

18 Q. Have you seen it before?

19 A. No.

20 Q. You see that the email correspondence and
21 the nondisclosure agreement are dated August 15th
22 of 2018?

23 A. Yes.

24 Q. Does that refresh your recollection as to
25 when you would have asked Jared Birchall to reach

1 want to talk to this investigator myself"?

2 A. I did not talk to this guy directly.

3 Q. Did you ever ask to?

4 A. No. I have faith that what Jared was
5 conveying to me was an accurate retelling of this
6 guy.

7 Q. Jared was not the source the information.

8 A. Right.

9 Q. Jared couldn't verify it or not. It had
10 to come from the source. The source was the
11 investigator. You made no effort to -- before you
12 wrote Ryan Mac, you didn't lift a finger to try to
13 find out whether the investigator was telling you
14 the truth or whether the investigator was taking
15 you for a ride for \$52,000, did you, sir?

16 A. This investigator appeared to be
17 credible. I did not make these comments on the
18 record. I didn't mean for them ever to be
19 published in any way, shape, or form.

20 I just -- I'd just been informed of a bad
21 fact pattern. It seems like if a journalist cares
22 about finding out what's going on, they should go
23 and find out what's going on. This is what I've
24 been told. May or may not be true; please
25 investigate.

ELON REEVE MUSK

August 22, 2019

1 Q. Why did you want Ryan Mac of all people
2 to do the investigation, sir? I don't know, let's
3 just put it this way. I know you've got a billion
4 dollars, because that's what you said in your
5 interrogatory. Rumor has it there's more. I don't
6 care. I know you've a billion according to you,
7 that's why I'm asking.

8 You've got a billion dollars. You're the
9 guy that made the statements about Mr. Unsworth.
10 You're the guy that's got an investigator overseas
11 that's going to Thailand.

12 Why did you need for Ryan Mac to
13 investigate whether these statements are true?
14 Weren't you fully capable of having those
15 statements investigated on your dime yourself?

16 A. My --

17 Q. Weren't you, sir?

18 A. My understanding was that this was a
19 credible investigator who had uncovered what he
20 said was evidence of this, and that it needed to be
21 investigated and confirmed.

22 Q. Why? Why didn't you investigate it? You
23 were investigating it, why didn't you follow
24 through yourself before you suggested to Ryan Mac,
25 who you did not know, did you?

1 **A. I did not know him well, no.**

2 Q. And yet you took a chance that by simply
3 saying "off the record," that this person you did
4 not know well, would somehow not publish your
5 information, right? You took that chance?

6 MR. SPIRO: Objection; mistates the...

7 **THE WITNESS: I -- I have, to the best of**
8 **my knowledge, never had a reporter publish**
9 **something when I said it was off the record.**

10 BY MR. WOOD:

11 Q. That is not what I asked you, sir.

12 **A. My expectation with this was this would**
13 **never be published, and I didn't wish -- want it to**
14 **be published. And it was -- it was very**
15 **destructive to have it be published.**

16 In my opinion he violated journalistic
17 ethics and behaved in a terrible manner. He should
18 simply have looked into it, and then if he couldn't
19 find any evidence for it, just left it alone. That
20 was my expectation.

21 Q. Did you take the time to write and say
22 "I'll talk to you, but we have to make sure it is
23 off the record"?

24 **A. I assumed that the --**

25 Q. That's my question. I don't want you

1 know what you assumed.

2 **A. Did I --**

3 Q. Did you take the time to write Mr. Mac
4 and say "I'll talk to you, but we have to agree
5 it's off the record," before you started telling
6 him all this stuff the investigator told Jared who
7 apparently told you?

8 **A. I have had conferences with many**
9 **reporters. I assumed this would be in line with my**
10 **conferences with other reporters.**

11 Q. So the answer is no, you didn't?

12 **A. I did not -- I did not call him. I don't**
13 **call very many people.**

14 Q. I didn't say call him. You could have
15 texted him. I'll talk to you, but I want it to be
16 off the record. You didn't do that, did you?

17 **A. I didn't have his phone number.**

18 Q. You could have texted him -- I'm sorry,
19 emailed him. I've got the Joe Biden problem. I'm
20 confusing emails and texts.

21 You could have emailed him and said "I'll
22 talk with you, but it has to be off the record."

23 You didn't do that, did you?

24 **A. My assumption with the email**
25 **correspondence was that -- and my expectation is**

1 least generally, thousands of people that were
2 involved in the rescue efforts?

3 **A. I didn't know that there were thousands.**

4 Q. Hundreds?

5 **A. In terms of actually going in there, I**
6 **don't know. I wouldn't say that I thought it was**
7 **hundreds; perhaps dozens. I saw a bunch of people**
8 **sleeping. I saw many people from the Thai military**
9 **forces.**

10 Q. I mean, there would have been no reason
11 for you to see Vernon Unsworth and to store his
12 image your mind's eye --

13 MR. SPIRO: Objection to form.

14 MR. WOOD: I hadn't finished yet. I'll
15 start again.

16 BY MR. WOOD:

17 Q. You weren't looking for Vernon Unsworth
18 when you were at the cave in the early morning
19 hours of the 10th or the late hours of the 9th,
20 were you?

21 **A. Of course I wouldn't. Why would I be**
22 **looking for somebody that I didn't know existed.**

23 Q. Well, why would you make a point on
24 Twitter of saying you never saw him around. You
25 weren't looking for him. That seems a little

1 unfair to Mr. Unsworth, wouldn't you agree?

2 **A. That was just a statement of fact.**

3 Q. For what purpose? What were you trying
4 to convey with that statement of fact in your
5 Twitter?

6 **A. I am saying this is my experience.**

7 Q. Did I understand you that you wrote
8 Ryan Mac "Off the record," as you titled it,
9 because you felt like this could be another Jeffrey
10 Epstein. I've gotten this information from the
11 investigator. I don't know whether it's true or
12 not. But you wanted Ryan Mac to investigate it.

13 Is that a fair characterization of your
14 testimony?

15 **A. Yeah.**

16 Q. And if he discovered that it was true,
17 you fully would have expected him to publish that,
18 true?

19 **A. I have expected him to, yes, take some
20 action if -- if this -- you know, Unsworth was up
21 to no good, to bring that to light.**

22 Q. Publish it and let folks know, right?

23 **A. If true.**

24 Q. That's what you thought when you sent it
25 to him?

ELON REEVE MUSK

August 22, 2019

1 **A. Yes.**

2 Q. And if he did not find any evidence to
3 support it, did you likewise expect that he would
4 report that. That he had looked into it and could
5 not find any substantiation?

6 **A. Yes.**

7 Q. So you were relying on Mr. Mac to
8 ascertain whether the accusations against
9 Mr. Unsworth were true or not; is that right?

10 **A. When you say "accusations," whether what**
11 **I had been told by what appeared to be a credible**
12 **investigator; whether those things were true?**

13 Q. He was making the accusations. We can go
14 through it in a minute. He was, wasn't he?

15 MR. SPIRO: Who is "he"?

16 BY MR. WOOD:

17 Q. The investigator.

18 **A. Which accusations? I mean, he was saying**
19 **things that he believed to be true or that he -- he**
20 **was claiming that he believed these things to be**
21 **correct, yes.**

22 Q. How do you know that he was saying he
23 believed them to be correct?

24 **A. This is what Jared conveyed to me.**

25 Q. Did Jared convey to you that he himself

ELON REEVE MUSK

August 22, 2019

1 had complained to the investigator, Mr. Howard,
2 that his information was not verified?

3 A. No.

4 Q. Did Jared tell you that?

5 A. No.

6 Q. Should he have told you that?

7 MR. SPIRO: Objection to form.

8 BY MR. WOOD:

9 Q. Should Jared have told you "I am not get
10 any verification here, Mr. Musk"?

11 A. He did convey later -- as the
12 communication with the investigator continued, I
13 believe Jared did raise some concerns. This is
14 after the Ryan Mac stuff. He raised some concerns
15 like maybe this guy isn't -- maybe this guy is
16 making it up.

17 Q. He was making it up. Didn't you conclude
18 that after -- I know it's after --

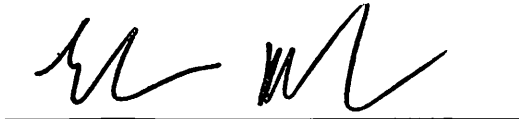
19 A. I did conclude that, because we said
20 "Okay, you've got to produce -- if you keep saying
21 these things, you've got to produce some kind of
22 firm evidence." And he was unable to produce firm
23 evidence. And then he went radio silent on us.

24 Q. He was not able to produce any verified
25 evidence, was he?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, ELON MUSK, do hereby declare under the penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this 5th day of September,
2019, at Los Angeles, California.
(City) (State)

A handwritten signature in black ink, appearing to be 'Elon Musk', is written over a horizontal line.

ELON MUSK

ELON REEVE MUSK

August 22, 2019

1 I, PATRICIA Y. SCHULER, a Certified
2 Shorthand Reporter of the State of California, do
3 hereby certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a
8 verbatim record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is a true record of the testimony given.

12 Further, that if the foregoing pertains
13 to the original transcript of a deposition in a
14 Federal Case, before completion of the proceedings,
15 review of the transcript [X] was [] was not
16 requested.

17 I further certify I am neither
18 financially interested in the action nor a relative
19 or employee of any attorney of party to this
20 action.

21 IN WITNESS WHEREOF, I have this date
22 subscribed my name.

23 Dated: August 26th, 2019.

24 *Patricia Y. Schuler*

25 _____
PATRICIA Y. SCHULER, CSR NO. 11949

EXHIBIT 9

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON UNSWORTH,

Plaintiff,

vs.

Case No. 2:18-cv-8048-svw

ELON MUSK,

Defendant.

_____/

VIDEOTAPED DEPOSITION OF
JARED JOHN BIRCHALL
LOS ANGELES, CALIFORNIA
SEPTEMBER 10, 2019

Reported By:
PATRICIA Y. SCHULER, CSR No. 11949

Job No.: 45748

JARED JOHN BIRCHALL

September 10, 2019

1 give the -- you give the bullet points for
2 what's -- is to be leaked, right?

3 **A. Yes.**

4 Q. Now, on this date, the bullet point 4
5 says "He eventually woman 30 years his minor."

6 **A. Right.**

7 Q. Was that meant to say "He eventually
8 married a woman 30 years his minor"?

9 **A. I mean, that would make more sense.**

10 Q. You wrote it.

11 **A. I believe so.**

12 Q. "Whom he met while she was a teenager,"
13 right?

14 **A. Correct.**

15 Q. This is in response to him having
16 informed you on the prior email, No. 65, that he
17 was dating the time of their meeting at 18 to 19
18 years of age, right?

19 **A. I believe so.**

20 Q. But you didn't say that "Met while she
21 was a teenager; 18 or 19." You didn't say "Met
22 while she was a teenager, 12 or 13." You just left
23 it vague. "Whom he met while she was a teenager"?
24 Right?

25 **A. Both are teenagers.**

JARED JOHN BIRCHALL

September 10, 2019

1 Q. But you were contemplating in your mind's
2 eye the information you had just gotten from him
3 that she was 18 or 19 when you said that she was a
4 teenager, true?

5 A. Yeah. I mean, it's hard for me to go
6 back to that moment in time and -- and recreate it,
7 but I'm assuming that that's what I was referring
8 to when I said she was a teenager.

9 Q. 18 or 19, right? Right?

10 A. I'm sorry?

11 Q. 18 or 19, right? Right?

12 A. I mean -- she -- that she was a teenager
13 by definition was that I was trying to convey
14 there.

15 I wasn't trying to say 18 or 19. I was
16 just trying to say that she was a teenager.

17 Q. You don't consider a 12- or 13-year-old
18 to be a teenager, do you?

19 A. 13 is a teenager.

20 Q. Is 12?

21 A. No.

22 Q. Now, what did you mean when you said
23 "Share the facts, and as you said, that should be
24 enough for a story."

25 A. What did I mean by that?

JARED JOHN BIRCHALL

September 10, 2019

1 Q. Yeah. "Share the facts" --

2 A. As you said --

3 Q. Meaning, share these facts with the
4 media, right? That you bullet point above?

5 A. Yeah, I mean, let's see here. I'm
6 clearly responding to something that he said.

7 Q. Well, you're responding to his email
8 below. "Thank you for this information."

9 And then you say "We'd like to move
10 forward with leaking the information to the UK
11 press," which you say is an idea that he had raised
12 with you, right?

13 A. Correct.

14 Q. "Obviously must be done very carefully."
15 And then you say "The line of thinking at this
16 point is as follows." And is that then the facts
17 that you wanted -- you and Mr. Musk had agreed
18 should be leaked to the UK press?

19 A. Yeah, what I'm questioning in my mind is
20 was there a phone conversation in between what he
21 and what I sent, which would have been me referring
22 to the facts that he said. I don't know.

23 Q. Mr. Musk may have had input in
24 collaborations, discussions with you about what
25 facts or information were going to be shared in the

JARED JOHN BIRCHALL

September 10, 2019

1 I, PATRICIA Y. SCHULER, a Certified
2 Shorthand Reporter of the State of California, do
3 hereby certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a
8 verbatim record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is a true record of the testimony given.

12 Further, that if the foregoing pertains
13 to the original transcript of a deposition in a
14 Federal Case, before completion of the proceedings,
15 review of the transcript [X] was [] was not
16 requested.

17 I further certify I am neither
18 financially interested in the action nor a relative
19 or employee of any attorney of party to this
20 action.

21 IN WITNESS WHEREOF, I have this date
22 subscribed my name.

23 Dated: September 26th, 2019.

24 *Patricia Y. Schuler*

25 _____
26 PATRICIA Y. SCHULER, CSR NO. 11949

EXHIBIT 10

Messages - James

iMessage
8/24/18, 8:14 AM

Jim please call when free. James

8/28/18, 9:55 AM

Jim are you free for a conversation ?

In 10 minutes

Now works

8/28/18, 3:20 PM

Jim, in order to proceed as discussed I will need some additional funds. I am close to the limit of the 20k USD for the stage 1 of the investigation which is still ongoing.

I will work with a very old friend Michael Smith who has a credible background and would be the right buffer to ensure there is zero cross contamination. I am sure you appreciate this has to be dealt with in a very sensitive way.

[https://en.m.wikipedia.org/wiki/Michael_Smith_\(newspaper_reporter\)](https://en.m.wikipedia.org/wiki/Michael_Smith_(newspaper_reporter))

Can you authorise a further 12k USD to expedite the second stages of the project as discussed.

Please advise. James

Yes, we can get it sent out first thing tomorrow. What is the timeline?

Jim timeline is ASAP I am meeting Mike at 0800 GMT to begin the process. It has to appear organic & not contrived.

Priority is to divert the story away from the principal and let the UK tabloids develop there story.

Great

8/28/18, 10:27 PM

Would be ideal to have more than one publisher receive the info. I trust you are likely already doing this.

100 %

Plan is to reach out indirectly to 3/4 different newspapers & print & online.



Page 1 of 18

Messages - James

Of course. But bear in mind I am the only link on the chain who knows who the beneficiary is. The Thai team & Richard all believe that this effort is for a children's charity in the UK. They are all professionals who will give 100%. I'm met with a partner of Howard Kennedy last night who confirmed that Unsworth has been to the London office for meetings. I suspect he's co-ordinating all this through a London law firm so they can manage the London newspapers. Please have a think about lawyering up in London. It won't have a cost to have a conversation and get an opinion and at least have someone ready to ascot quickly. In the UK it's about reaction times and skill. Allot can be done in the UK to protect Elon with superinjunctions to stop the other side from speaking to the press if that might damage 3rd party shareholders. You maybe served in the usa but I think Unsworth will want this managed by a UK firm. Happy to assist, please advise. Rgds James

8/31/18, 8:55 AM



Keith Oliver.vcf

8/31/18, 1:00 PM

Jim do you have a secure Dropbox or equivalent I can use?

9/1/18, 12:14 AM

Let's discuss in the morning.

Sure the report is large so wanted to send in this format. Any instructions from the principal?

I'm proceeding with the UK surveillance as discussed

9/1/18, 8:32 AM

Jim update sent to you

Received, thank you.

9/1/18, 10:36 AM

Jim would you like to chat through the report ?

9/1/18, 12:41 PM

Does in an hour or two work?

Jim call anytime

Page 10 of 18

Messages - James

9/2/18, 9:18 AM

Jim I have an update for you. Please call when free

9/2/18, 12:39 PM

Jim did you have time to think about a conversation with Keith Oliver to chat over options exchange NDA's etc.... I still believe that there is massive benefit in doing this for Elon.

9/3/18, 7:17 AM

Target meeting Mark Stephens today at 1600 to put libel plan into place. Confirmed the UK office of Howard Kennedy will run the libel action through Mark Stephens

Meeting is scheduled for 2hrs

9/3/18, 9:13 AM

We will bin spin him tonight and again after he has left the UK back to Thailand

Very happy demeanour



9/3/18, 11:23 AM